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FORTIETH LEGISLATIVE DAY
FRIDAY, FEBRUARY 20, 2004

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:15 a.m.

Roll call showed all members present except Senator Darrington, absent and formally excused by the Chair; and Senators Burkett, Burtenshaw, Cameron, Gannon, Keough, Little, and Marley, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Alex Johnston, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator Marley was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 19, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Burtenshaw and Gannon were recorded present at this order of business.

February 20, 2004

The JUDICIARY AND RULES Committee reports that **S 1379** and **S 1380** have been correctly printed.

DARRINGTON, Chairman

S 1379 was referred to the Judiciary and Rules Committee.

S 1380 was referred to the Resources and Environment Committee.

February 19, 2004

The JUDICIARY AND RULES Committee reports that **S 1214** and **S 1222** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1214** and **S 1222** and ordered them transmitted to the House for the signature of the Speaker.

February 20, 2004

The JUDICIARY AND RULES Committee reports that **S 1234**, as amended, **S 1232**, as amended, **S 1279**, as amended, **S 1243**, as amended, and **S 1312**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1234, as amended, **S 1232**, as amended, **S 1279**, as amended, **S 1243**, as amended, and **S 1312**, as amended, were filed for first reading.

February 20, 2004

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1234**, **S 1232**, **S 1279**, **H 500**, **S 1243**, and **S 1312** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 19, 2004

The EDUCATION Committee reports out **SJM 108** with the recommendation that it do pass.

SCHROEDER, Chairman

SJM 108 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 19, 2004

The TRANSPORTATION Committee reports out **S 1271** and **S 1224** with the recommendation that they do pass.

INGRAM, Chairman

S 1271 and **S 1224** were filed for second reading.

February 20, 2004

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 522**, **H 523**, and **S 1340** with the recommendation that they do pass.

ANDREASON, Chairman

H 522, **H 523**, and **S 1340** were filed for second reading.

February 20, 2004

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 524** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, **H 524** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 19, 2004

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Del Ray Holm of Roberts, Idaho, was appointed as a member of the Idaho Commission on Pardons and Parole to serve a term commencing January 1, 2004, and expiring January 1, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 19, 2004

Mr. President:

I transmit herewith **HCR 38**, **H 623**, **H 515**, **H 526**, **H 568**, and **H 569** which have passed the House.

JUKER, Chief Clerk

HCR 38, **H 623**, **H 515**, **H 526**, **H 568**, and **H 569** were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Burkett, Cameron, Keough, and Little were recorded present at this order of business.

The President announced that **SCR 123** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Stennett, seconded by Senator Davis, **SCR 123** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Pamela I. Ahrens was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Goedde, seconded by Senator Stennett, the Gubernatorial appointment of Pamela I. Ahrens as a member of the Public Employee Retirement System of Idaho Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the Judiciary and Rules Committee Report relative to the Gubernatorial appointment of Mike Matthews retained its place on the calendar.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

H 500, as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

S 1234, as amended, and **S 1232**, as amended, by Judiciary and Rules Committee, were read the first time at length and filed for second reading.

S 1279, as amended, by Health and Welfare Committee, was read the first time at length and filed for second reading.

S 1243, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

S 1312, as amended, by Agricultural Affairs Committee, was read the first time at length and filed for second reading.

HCR 38, by Judiciary, Rules, and Administration Committee, was introduced, read at length, and referred to the Judiciary and Rules Committee.

H 623, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 515, by State Affairs Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 526, H 568, and H 569, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1281, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1266, S 1267, S 1268, and S 1306, by State Affairs Committee, were read the second time at length and filed for third reading.

S 1298, by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

H 505 and H 506, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **S 1247**, having been held, retained its place on the Third Reading Calendar.

On request by Senator Stegner, granted by unanimous consent, **S 1233** was referred to the Fourteenth Order of Business, General Calendar.

S 1252 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sorensen arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Burkett, Calabretta, Cameron, Compton, Darrington, Gannon, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McWilliams, Noble, Noh, Schroeder, Sorensen, Stegner, Stennett, Werk. Total - 24.

NAYS--Andreason, Bunderson, Burtenshaw, Davis, Geddes, Hill, McKenzie, Pearce, Richardson, Sweet, Williams. Total - 11.

Paired and voting included in roll call:

AYE - Darrington NAY - Davis

Total - 35.

Whereupon the President Pro Tempore declared **S 1252** passed, title was approved, and the bill ordered transmitted to the House.

S 1265 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Darrington. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1265** passed, title was approved, and the bill ordered transmitted to the House.

S 1282 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Darrington. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1282** passed, title was approved, and the bill ordered transmitted to the House.

S 1278 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Darrington. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1278** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 10:15 a.m., Monday, February 23, 2004.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary